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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of
I. McVEY, et al.

Serial No.: 10/554,223

Filed: October 20, 2005

For: ACTIVATED VAPOR
TREATMENT FOR
NEUTRALIZING
WARFARE AGENTS

Date of Last Office Action:
August 21, 2008

Carminer: D. BERNS

Art Unit: 4162

Confirmation: 9349

Customer No. 27885

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ELECTION AND INTERVIEW SUMMARY

Cleveland, OH 44114

October 20, 2008

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Attorney Docket No.:

MEDZ 2 01324 US

Dear Sir:

This paper is responsive to the Restriction Requirement of August 21, 2008, and the Interview Summary of September 15, 2008.

Responsive to the Restrictive Requirement, the Applicants elect Group 1, claims 54-80, with traverse.

Certificate of Faxing	
l certify that ELECTION & INTERVIEW SUMMARY in connection with Ser. No. 10/554,223 is being deposited with the United States Postal Service as First Class mail under 37 C.F.R. § 1.8, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below. transmitted to facsimile number 571/273-8300 under 37 C.F.R. § 1.8 on the date indicated below.	
Date October 20, 2008	Signature Vilary Mc Mill Hay Printed Name Hilary M. McNULTY

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First, it is submitted that the claims of Group 4 should be examined with Group 1. Claim 92 is generic to claim 54. Both call for a peroxide vapor. Claim 92 calls for a pH increasing compound and claim 54 specifies that the compound is nitrogen. Both call for subjecting the pathogenic chemical agent to the vapor.

Second, it is submitted that Group 2, apparatus claims 81-90 should be considered with Group 1. Claim 81 can be viewed as means for performing the method of claim 54. Because claim 81 calls for means for performing the method of claim 54, it is submitted that the method of claim 54 cannot be performed by a different means than the means of claim 81 and conversely, the means of claim 81 can only be used to perform the method of claim 54.

The Interview Summary of September 15, 2008 is correct. The undersigned and the Examiner did discuss entry of the Preliminary Amendment on September 10, 2008. As reflected by the Interview Summary, the Examiner agreed to enter the amendment.

Further, as accurately reflected in the Interview Summary, the Examiner did map over the Restriction Requirement from the original claims to the claims of the now-entered amendment, which mapping is accurately reflected in the Interview Summary.

An early allowance of all claims is requested.

Respectfully submitted,

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